



Paper No. 9

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SEP 4 2001

In re Application of:
AHOTUPA, MARKKU
Application No. 09/270,480
Filed: 03/15/1999
Attorney Docket No. 00013/7075

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the August 8, 2001 request for reconsideration regarding the abandonment of this U. S. Patent application.

This application became abandoned for failure to timely file a proper reply to the notice to file missing parts mailed on April 6, 1999. A shortened statutory period of two (2) months was set for replying. No reply was received within that time. Therefore, the deadline for replying passed on June 6, 1999 and the application lapsed into an abandoned state as of the following day, June 7, 1999.¹

Petitioner allegedly filed this petition under 37 C.F.R. §1.137(a) on April 7, 2000. However, this petition was not received. Therefore, it was resubmitted via facsimile on June 21, 2000. The petition alleges that his delay was unavoidable because he never received the April 6, 1999 notice to file missing parts. However, due to ambiguity in the evidence presented, that petition was dismissed. A period of two months was given to respond.

Petitioner filed this petition on August 6, 2001, which, coupled with a properly executed certificate of mailing, was timely under 37 C.F.R. §1.7 and §1.8.

This petition is supported with an explanation of Petitioner's docketing system that sufficiently clarifies the record. Accordingly, *this petition is **granted***.

The notice of abandonment mailed on May 11, 2000 is hereby vacated. This file will be returned to Technology Center 1600 for further examination.

Telephone inquiries concerning this matter may be directed to the undersigned in the Office of Petitions at (703) 306-5593.

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